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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,658	03/29/2004	John J. Vrana	60,152-1047	2452

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/811,658

Applicant(s)

VRANA ET AL.

Examiner

Katherine W. Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 14-23 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,7-10 and 12 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 2-6,11 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/29/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-13 in the reply filed on 11/30/2004 is acknowledged. The traversal is on the ground(s) that the search for both groups is the same search. This is not found persuasive because the apparatus, the fastener, is class 411, and does not include either die embodiment, and the method of use is in class 29 and requires a die.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 14-23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected method of use, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 11/30/04, but the traversal was not found persuasive.

3. This application is in condition for allowance except for the presence of claims 13-23 to an invention non-elected with traverse in the reply filed on 11/30/04. A complete reply to this Quayle action must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Conclusion

4. This application is in condition for allowance except for the following formal matters:

Claim Rejections - 35 USC § 112

5. Applicant's arguments regarding the 112 rejections of claims 1-6 have been considered, and are convincing; thus these rejections are withdrawn.

Drawings

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "said groove comprises linear grooves on opposed sides of pilot portion" must be shown or the feature(s) canceled from the claim(s). Examiner finds no such linear grooves in said groove. Applicant has argued on 11/30/2004 that said groove can indeed be a single groove – it could be circular or oval:

However, the self-attaching female fastener of this invention may also be formed by cold-forming techniques, including a progressive die, wherein the re-entrant groove may be annular surrounding the pilot portion." (See (00013q, page 8). For example, the self-attaching female fastener may be generally round having an annular groove in the panel support face of the flange portion" (paragraph (000152, page 9, lines 23 et. seq.), wherein the fastener would have only one flange portion surrounding the pilot portion and one groove. As stated in paragraph (00039) (page 18, line 19 to page 19, line 3)....

If this is the case, since annular grooves cannot be linear grooves, examiner looked for linear grooves in the said groove and found none.

No new matter should be entered.

7. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate

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figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Claims 2-6 and 11 and 13 are objected to because of the following informalities:

- Claim 4, depending from claim 1, requires the apex of the vee-shaped bottom wall to be arcuate. Only U-shaped or generally vee shaped apexes can be arcuate. Especially since this feature is at the crux of the invention, applicant must be clear on the structure claimed. Examiner is requiring a vee-shaped apex.
- Claim 3, line 2, "in" should be omitted.
- Claims 5 and 6 have awkward wording: commas are needed to separate clauses to clarify what is being modified. For example: "said female fastener including a back face opposite said panel support face of said flange portion having linear grooves...". What exactly has linear grooves?
- In claims 2, 5, 11, and 13, wording is not consistent, leading to confusion

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regarding antecedent basis. Applicant discloses "a groove" and "v-shaped bottom wall" in independent claims 1 and 7, but dependent claims 2 and 5 (off 1) and 13 discloses "said bottom wall of said v-shaped grooves". Dependent claims 11 and 13 (off 7) disclose "said bottom faces of said v-shaped groove".

This inconsistency is confusing. The groove is never shown as v-shaped, and is specifically described as not v-shaped (groove top opening is narrower than groove bottom wall) -- only the bottom wall is vee-shaped, and it is not clear how bottom wall and bottom faces are intended to differ.

- Applicant states in claim 5 that the flange portion is rectangular, including the panel support face on opposed sides of the pilot portion, and has argued that this can be one flange. Applicant then claims "said groove" includes linear grooves on opposed sides of pilot portion. While the entire flange unit can be considered a single flange, examiner does not see how a single groove can comprise linear grooves on opposed sides of the pilot portion.

- Applicant should review all claims to ensure the wording is clear, especially ensuring that it is clear what is being modified by clauses.

Appropriate correction is required.

Allowable Subject Matter

9. Claims 1, 7-10, and 12 are allowed.

10. Claims 2-6 and 11 and 13 would be allowable if rewritten to overcome the claim objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

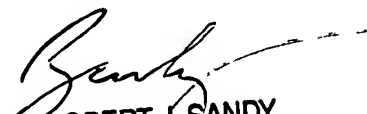
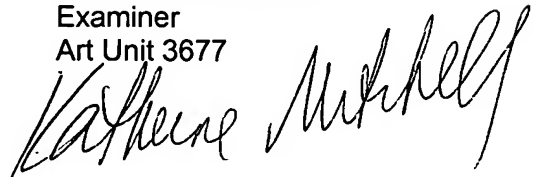
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 703-305-6713. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kwm
2/17/2004

Katherine W Mitchell
Examiner
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ROBERT J. SANDY
PRIMARY EXAMINER